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4 **ERIC BLANK INJURY ATTORNEYS**
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Attorneys for Plaintiff

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 JB MYERS, individually,
12
13 Plaintiff,

14 vs.

15 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign corporation;
16 and DOES I - X, inclusive; and ROE
CORPORATIONS I - X, inclusive,
17
18 Defendants.

Case No.: 2:18-cv-00501-JCM-CWH

**STIPULATION AND [PROPOSED]
ORDER GRANTING PLAINTIFF
LEAVE TO CONDUCT TWO
DEPOSITIONS AFTER THE CLOSE
OF DISCOVERY AND TO EXTEND
DISPOSITIVE MOTION AND JOINT
PRETRIAL ORDER DEADLINES**

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20 **COME NOW** Plaintiff JB MYERS (“Plaintiff”) and Defendant STATE FARM MUTUAL
21 AUTOMOBILE INSURANCE COMPANY, a Foreign Corporation, (“STATE FARM”), by and through
22 their respective counsel of record, hereby stipulate, subject to this Court’s approval, that Plaintiff receive
23 leave of this Court to conduct two previously-noticed depositions after the current close of discovery on
24 April 9, 2019.

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1 **Deposition of Natalie Ross**

2 The deposition of State Farm claims adjuster Natalie Ross was previously noticed by Plaintiff for
3 April 8, 2019. Pursuant to FRCP 26(a), Ms. Ross had been disclosed by State Farm “c/o” defense counsel,
4 and Plaintiff reasonably anticipated that Defense counsel would be able to produce her for deposition.

5 However, upon further inquiry, Defense counsel learned that, in the interim, Ms. Ross had left her
6 employ with State Farm, could thus not be produced by counsel, and would therefore have to be
7 subpoenaed for deposition. The parties met and conferred and agreed that Plaintiff will subpoena Ms.
8 Ross for deposition to be conducted on April 24, 2019, subject to Ms. Ross’s ability to appear on that date.

9 However, because that date falls after the close of discovery on April 8, 2019, the parties
10 respectfully request that this Court grant Plaintiff leave to conduct that deposition after the close of
11 discovery, on April 24, 2019, or a subsequent date as soon as feasible thereafter on which Ms. Ross and
12 counsel are available.

13 **FRCP 30(b)(6) Deposition Of State Farm**

14 The deposition of State Farm pursuant to FRCP 30(b)(6) was noticed by Plaintiff on December
15 28, 2018. However, the parties subsequently met and conferred regarding the topics of examination and
16 the location of the deposition. The parties have now agreed to conduct this deposition on April 19, 2019,
17 in or near Tacoma, Washington.

18 The following are the three topics of examination agreed to by the parties:

- 19 1) State Farm Mutual Automobile Insurance Company’s investigation and evaluation
20 of Plaintiff JB Myers’s underinsured motorist claim, as it relates to the claims and
21 issues in the lawsuit.
- 22 2) State Farm Mutual Automobile Insurance Company’s written policies and
23 procedures and the actual customs and practices regarding intake, processing,
24 handling, investigating, evaluating and processing underinsured motorist (“UIM”) claims in Nevada since 2011, as it relates to the claims and issues in the lawsuit.
- 25 3) State Farm Mutual Automobile Insurance Company’s training of claims
26 representatives regarding evaluating and investigating underinsured motorist
27 claims in Nevada from October 2011 until the present.

28 In addition, the parties agree that State Farm will, at this deposition or prior to April 19, 2019,
produce to Plaintiff all training log(s) for Natalie Ross and any other “primary handler(s)” assigned at any

1 time to Plaintiff's UIM claim. While these training log(s) have been requested by Defense counsel, if they
2 are not available by April 19, 2019, then Defense counsel will produce the training log(s) as soon thereafter
3 as they are made available by State Farm. A copy of Plaintiff's SECOND AMENDED NOTICE OF
4 VIDEOTAPED DEPOSITION OF DEFENDANT STATE FARM MUTUAL AUTOMOBILE
5 INSURANCE COMPANY PURSUANT TO FRCP 30(b)(6) is attached hereto as **Exhibit 1**.

6 The parties hereby stipulate and agree that Plaintiff agrees to complete the depositions of Natalie
7 Ross and the 30(b)(6) Deposition of State Farm on or before May 17, 2019. This leave will allow Plaintiff
8 time to serve and conduct the deposition of Natalie Ross and allow the deponents time to receive and
9 review the deposition transcripts. The parties further stipulate and agree that the remaining discovery
10 deadlines will be extended in accordance with the May 17, 2019 deadline.

11 The following is a list of the current discovery deadlines and the parties' proposed extended
12 deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Deadline for Plaintiff to conduct deposition of Natalie Ross and 30(b)(6) Deposition of State Farm	April 9, 2019	May 17, 2019
Dispositive Motions	May 9, 2019	June 17, 2019
Joint Pretrial Order	June 10, 2019	July 16, 2019 (30 days after the deadline for dispositive motions) or 30 days after the decision on Dispositive Motions

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1 The parties represent that this Stipulation and request are made in good faith and not for the
2 purpose of delay.

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4 DATED this 9th day of April, 2019.

DATED this 9th day of April, 2019.

5 **ERIC BLANK INJURY ATTORNEYS**

LEWIS BRISBOIS BISGAARD & SMITH LLP

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7 **By: /s/ Eric R. Blank**
8 **ERIC R. BLANK, ESQ.**
9 Nevada Bar No. 6910
10 *Attorneys for Plaintiff*
11 *JB MYERS*

By: /s/ Pamela L. McGaha
ROBERT W. FREEMAN, ESQ.
Nevada Bar No. 3062
PAMELA L. McGAHA, ESQ.
Nevada Bar No. 8181
Attorneys for Defendant
State Farm Mutual Automobile
Insurance Company

12 **IT IS SO ORDERED:**

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15 **UNITED STATES MAGISTRATE JUDGE**

16 DATED: April 11, 2019
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EXHIBIT “1”

1 **ERIC R. BLANK, ESQ.**

Nevada Bar No. 6910

2 **DARREN J. LACH, ESQ.**

Nevada Bar No. 9606

3 **BETHANY KIRKENIR, ESQ.**

Nevada Bar No. 013165

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Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

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15 INSURANCE COMPANY, a foreign corporation;
and DOES I - X, inclusive; and ROE
16 CORPORATIONS I - X, inclusive,
17 Defendants.

Case No.: 2:18-cv-00501-JCM-CWH

**SECOND AMENDED NOTICE OF
VIDEOTAPED DEPOSITION OF
DEFENDANT STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY
PURSUANT TO FRCP 30(b)(6)**

Date of Deposition: April 19, 2019

Time of Deposition: 10:00 a.m.

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19 TO: All parties to this action and their respective attorneys of record:

20 PLEASE TAKE NOTICE THAT PLAINTIFF JB MYERS, by and through his counsel of
21 record, ERIC R. BLANK, ESQ. and BETHANY L. KIRKENIR, ESQ. of ERIC BLANK INJURY
22 ATTORNEYS, will take the videotaped deposition of Defendant State Farm Mutual Automobile
23 Insurance Company, pursuant Rule 30(b)(6) of the Federal Rules of Civil Procedure, concerning the

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1 following topics:

- 2 1) State Farm Mutual Automobile Insurance Company's investigation and
3 evaluation of Plaintiff JB Myers's underinsured motorist claim, as it relates to the
4 claims and issues in the lawsuit.
- 5 2) State Farm Mutual Automobile Insurance Company's written policies and
6 procedures and the actual customs and practices regarding intake, processing,
7 handling, investigating, evaluating and processing underinsured motorist ("UIM")
8 claims in Nevada since 2011, as it relates to the claims and issues in the lawsuit.
- 9 3) State Farm Mutual Automobile Insurance Company's training of claims
10 representatives regarding evaluating and investigating underinsured motorist
11 claims in Nevada from October 2011 until the present.

12 In addition, the parties agree that State Farm will, at this deposition or prior to April 19, 2019,
13 produce to Plaintiff all training log(s) for Natalie Ross and any other "primary handler(s)" assigned at
14 any time to Plaintiff's UIM claim. While these training log(s) have been requested by Defense counsel,
15 if they are not available by April 19, 2019, then Defense counsel will produce the training log(s) as soon
16 thereafter as they are made available by State Farm.

17 The deposition will be recorded by videotaping and by stenographic means, and will be taken by
18 oral examination before a notary public or before some other officer authorized by law to administer
19 oaths, to take place at the University of Washington-Tacoma, 1900 Commerce Street, Tacoma, WA
20 98402.

21 As required by Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant STATE
22 FARM MUTUAL AUTOMOBILE INSURANCE COMPANY shall designate one or more of its
23 officers, directors, managing agents or other representatives to testify with respect to the above-stated
24 matters.

25 All parties are invited to attend and examine the designated officers, directors, managing
26 agents or other representatives of Defendant STATE FARM MUTUAL AUTOMOBILE
27 INSURANCE COMPANY.

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1 The deposition will continue from day to day until completed.

2 DATED this 9th day of April, 2019.

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4 **ERIC BLANK INJURY ATTORNEYS**

5 /s/ Eric R. Blank
6 **ERIC R. BLANK, ESQ.**
7 Nevada Bar No. 6910
8 7860 West Sahara Avenue, Suite 110
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10 *Attorney for Plaintiff JB MYERS*
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Robert W. Freeman, Esq.
Pamela L. McGaha, Esq.
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Attorneys for Defendant

/s/ Gabriela Rojas
An employee of ERIC BLANK INJURY ATTORNEYS